



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



LETTER OF DEFICIENCY
#SP-2002-08

Christopher Gray
231 Amherst Rd
Merrimack, NH 03054

May 21, 2002

RE: DES Wetlands File #2002-00668 231 Amherst Rd, Merrimack

Dear Mr. Gray

On April 26, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Merrimack Tax Map 3A, Lot 67, Amherst Road, Merrimack, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act ("CSPA"). During the inspection the following deficiencies were noted:

Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and ground covers was not left in place.

In response, you are requested to take the following actions

1. Within 30 days of receipt of this Letter of Deficiency submit a restoration plan to DES. The restoration plan should include replacement of native and natural vegetation and restoration of the natural shoreline. Please submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing;
 - i. existing conditions
 - ii. proposed conditions after restoration with native vegetation.
 - b. A detailed description of the proposed means of erosion and sediment controls for stabilization of the restoration area.
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, and proposed location of plantings. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas within 150 feet of the river where trees were removed.
 - d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statutes and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to, the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

The written restoration report outlining corrective measures shall be addressed as follows:

Allyson Gourley
Shoreland Compliance Coordinator
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Allyson Gourley at (603) 271-6876.

Sincerely,



Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Mark Harbaugh, DES Enforcement Attorney
Merrimack Conservation Commission
Merrimack Board of Selectmen
David Killoy, USACOE